S.B. Criminal Misc. Bail Application No.4635/2006
Date : 19.10.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. P.S. Rathore for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the prosecutrix is major and in the year 2005 she had gone with the applicant and lived with him for 15 days thereafter she came back and nothing was stated to anybody and after one year complaint has been lodged. He submits that in above circumstances, the applicant should be enlarged on bail during trial.

On the other hand, learned Public Prosecutor has opposed the bail application but has not controverted lthe

factual aspect as stated by learned counsel for the applicant.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicant Babu Lal S/o Uda Ram shall be released on bail in FIR No.103/2006 P.S. Khanda Falsa, District Jodhpur, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

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